

HOUSE BILL 1482

By Hulsey

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 11, Part 4, relative to the education of
professional bondsmen.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-404, is amended by deleting subsection (b) and substituting:

(b) The Tennessee Association of Professional Bail Agents shall either provide or contract for a minimum of eight (8) hours of in-person continuing education classes to be held on a regular basis in each of the grand divisions and may provide additional classes as necessary. The association may also provide or contract for one (1) or more virtual classes. The association is authorized to subcontract with any of its subassociations for classes. A schedule of these classes must be provided to all agents. The association shall not charge more than four hundred fifty dollars (\$450) annually for the eight (8) hours of continuing education, and the cost of any course with less than eight (8) hours must be prorated.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 4, is amended by adding the following as a new section:

(a) Beginning January 1, 2024, a person shall not attend a continuing education class under this part who has been convicted in any state of a crime equivalent to:

(1) A felony in this state; or

(2) Two (2) or more misdemeanors that are equivalent to Class A or

Class B misdemeanors in this state if the misdemeanor convictions occurred within five (5) years of the date of the continuing education class.

(b) The Tennessee Association of Professional Bail Agents and the Tennessee bureau of investigation shall:

(1) Create practices and procedures that allow the Tennessee Association of Professional Bail Agents to receive, interpret, and store the results of the criminal background check required in this section in a manner that ensures the confidentiality of the information; and

(2) Maintain and provide a list of agencies and vendors capable of providing the appropriate background check or, in the alternative, provide the background check directly.

(c) The Tennessee Association of Professional Bail Agents shall promulgate practices and procedures for reviewing the results of the criminal background check.

(d) Not less than ninety (90) days before a scheduled continuing education class, a person seeking to attend must submit to a criminal history background check as provided by § 38-6-109, with the results being reported directly to the Tennessee Association of Professional Bail Agents. The person submitting to the criminal history background check is responsible for any fees associated with the background check. The criminal background check must include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation.

(e)

(1) Upon receipt of an application and a criminal history background check, the application must be reviewed in a manner consistent with the policies and procedures of the Tennessee Association of Professional Bail Agents.

(2) If the Tennessee Association of Professional Bail Agents determines that an applicant has a disqualifying criminal history, then the Association must

inform the applicant of the Association's determination not less than sixty (60) days prior to the scheduled continuing education class.

(3) If the Association fails to come to a decision, then the applicant is presumed to have no disqualifying criminal history.

(f)

(1) If the applicant believes that the decision of the Association is in error or that there are extenuating circumstances that would permit attendance notwithstanding the criminal history, then the applicant may appeal the Association's decision within ten (10) days to the court of record with criminal jurisdiction within the county where the applicant resides or intends to do business, if not a resident of this state.

(2) All appeals must be in writing, setting forth the grounds for the appeal.

(3) The court hearing the appeal shall give written notice of its decision not less than fifteen (15) days before the scheduled continuing education class. If the court fails to provide written notice within the time period prescribed by this subdivision (f)(3), then the court must give written notice as to when the decision will occur, or if no such notice is given, then the Association's decision is deemed final.

(g) An applicant has a right to appeal the court's decision to the court of criminal appeals within thirty (30) days.

(h) The Tennessee Association of Professional Bail Agents and its agents, contractors, and employees are not liable to any person for damages resulting from a determination made pursuant to this section.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.